

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOSEPH BREITFELDER

Plaintiff

v.

SIMON LEIS, et al.

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CASE C-1-01-617

JUDGE BECKWITH

**PLAINTIFF'S MOTION FOR
LEAVE TO FILE PLAINTIFF'S
RESPONSE TO DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT OUT OF TIME**

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Now comes Plaintiff Joseph Brietfelder, by and through counsel and moves this Honorable Court for leave to file his response to the Defendants' Motion for Summary Judgment out of time for the reason that Plaintiff's counsel experienced delays in receiving their password in order to be able to file electronically. Defendant's filed their Reply prior to the deadline and have complained of no prejudice.

Respectfully submitted,

/s/ Lucian Bernard

Lucian Bernard (0047159)
Counsel for Plaintiff

Pearson & Bernard, PSC
1224 Highway Avenue
Covington, KY 41011
(859) 655-3700
(859) 655-3703 (fax)

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon, Stephen Shaw and Susan Gertz, counsel for Defendants Leis and Hamilton County at 230 Ninth St., Suite 4000, Cincinnati, OH 45202-2151, this 12th day of January, 2004.

/s/ Lucian Bernard

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ORDER

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This matter comes before the Court on Motion by Plaintiff for leave to file his Response to the Defendants' Motion for Summary Judgment out of time. The Court finds the motion well taken and grants same.

JUDGE BECKWITH